

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DELANO TOLDEN,

Plaintiff,

v.

GARY SWARTHOUT, Warden,

Defendant.

No. 08-03782 CW

AMENDMENT TO  
ORDER DENYING  
PETITION FOR  
HABEAS CORPUS

The March 1, 2010 Order Denying Petition for Habeas Corpus is amended as follows. On page 14, lines 23-24, the sentence, "However, in other testing, Petitioner scored from 69 to 70." is deleted. On page 14, lines 24-27, the sentence is changed to read, "Dr. Darning also testified that reports from other professionals opined that Petitioner was of average intelligence, although he thought the psychometric data proved otherwise. RT at 579, 595."

IT IS SO ORDERED.

Dated: April 13, 2010



CLAUDIA WILKEN  
United States District Judge